

Whereas, Pursuant to the Act, the Secretary of the Interior is required to make a payment for each fiscal year to each of the 17 counties in the State of Nevada because those counties have such land within their boundaries, including land that is administered by the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service and the United States Forest Service; and

Whereas, The Bureau of Land Management was chosen by the Secretary of the Interior to administer the payments required to be made pursuant to the Act; and

Whereas, Congress appropriates money each year that the Bureau of Land Management distributes to the counties in the State of Nevada and other states pursuant to a statutory formula set forth in the Act; and

Whereas, From the inception of the payments in 1977 to the end of the 1997-98 fiscal year, the money appropriated by Congress has been insufficient to provide full payment to the counties in the State of Nevada pursuant to the statutory formula; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly,* That the members of the 70th session of the Nevada Legislature hereby urge Congress to appropriate for distribution to the counties in the State of Nevada the amount of money necessary to correct the underpayments to those counties pursuant to the Act for the previous fiscal years; and be it further

*Resolved,* That in lieu of an appropriation by Congress to correct such underpayments, the members of the 70th session of the Nevada Legislature hereby urge Congress to authorize the transfer of land of equivalent value from the Federal Government to the affected counties in the State of Nevada; and be it further

*Resolved,* That the Secretary of the Senate of the Nevada Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage and approval.

POM-215. A joint resolution adopted by the legislature of the State of Nevada relative to land management and livestock; to the Committee on Energy and Natural Resources.

#### SENATE JOINT RESOLUTION NO. 12

Whereas, The livestock industry comprises a significant portion of the rural economy of the State of Nevada; and

Whereas, Recent declines in the authorization of the grazing of livestock on public lands in this state and throughout the West have had measurable negative impacts on the economic viability of ranchers and rural communities; and

Whereas, Studies by federal agencies have revealed that public lands have improved or are improving through the use of controlled grazing of livestock on public lands; and

Whereas, Recent management policies and directives established by federal agencies including the Bureau of Land Management of the United States Department of the Interior and the Forest Service of the United States Department of Agriculture have resulted in significant and costly reductions in the number of livestock allowed to graze on public lands in this state; and

Whereas, These reductions are having a negative effect on the value of ranches and the economic viability of ranchers who depend on the use of public land for the suc-

cessful production of livestock, resulting in an adverse effect on the economic condition of the State of Nevada; and

Whereas, Continuation of these federal policies will have adverse effects that are far reaching and costly, including an increase in wildfires, a diminished tax base, loss of wildlife habitat and a decrease in economic activity; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly,* That the members of the Nevada Legislature do hereby encourage the United States Congress to support all efforts for the establishment of a working partnership between federal land management agencies, local governments and other interested parties on issues relating to the use of public lands; and be it further

*Resolved,* That this legislative body supports all efforts to review the methodologies and practices that have been employed by public land management agencies which have resulted in the unnecessary reduction in the use of public lands by ranchers for the grazing of livestock; and be it further

*Resolved,* That the Division of Agriculture of the Department of Business and Industry is hereby encouraged to develop a statewide database to further demonstrate the cumulative losses to this state and its counties because of the reduction in the use of public land for the grazing of livestock; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, each member of the Nevada Congressional Delegation and the Executive Director of the Nevada Association of Counties; and be it further

*Resolved,* That this resolution becomes effective upon passage and approval.

POM-216. A joint resolution adopted by the legislature of the State of Montana relative to the American Heritage Rivers initiative; to the Committee on Energy and Natural Resources.

#### RESOLUTION

Whereas, the President of the United States has, by Executive Order 13061, created the American Heritage Rivers initiative; and

Whereas, the initiative allows a local river community to nominate its river for designation by the President as an American Heritage River; and

Whereas, the initiative provides no meaningful protection of state or private property along designated rivers; and

Whereas, the initiative creates a new layer of federal bureaucracy and engages 12 federal agencies in its implementation; now, therefore, be it

*Resolved by the Senate and the House of Representatives of the State of Montana,* That the Montana Legislature oppose the nomination or designation of any river in Montana as an American Heritage River under the American Heritage Rivers initiative; be it further

*Resolved,* That the Secretary of State send copies of this resolution to the President of the United States, the Vice President of the United States, the President Pro Tempore of the Senate of the U.S. Congress, the Speaker of the House of Representatives of the U.S. Congress, the Chair of the Council on Environmental Quality, and the Montana Congressional Delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 918. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes (Rept. No. 106-84).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER, for the Committee on Veterans Affairs:

John T. Hanson, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

By Mr. MCCAIN, for the Committee on Commerce, Science, and Transportation:

Sylvia de Leon, of Texas, to be a Member of the Reform Board (Amtrack) for a term of five years.

Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

Cheryl Shavers, of California, to be Under Secretary of Commerce for Technology.

Kelly H. Carnes, of the District of Columbia, to be Assistant Secretary of Commerce for Technology Policy.

Mary Sheila Gall, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1998.

Ann Brown, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1999.

Ann Brown, of Florida, to be Chairman of the Consumer Product Safety Commission.

Johnnie E. Frazier, of Maryland, to be Inspector General, Department of Commerce.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination list which was printed in the RECORD of May 12, 1999, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that the nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

In the Cost Guard nomination of James W. Seeman, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1999.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1267. A bill to require that health care providers inform their patients of certain referral fees upon the referral of the patients to clinical trials; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. CHAFEE, Mr. REED, Mr. MACK, Ms. MIKULSKI, Mrs. MURRAY, Mr. CLELAND, Mr. HELMS, Mr. WARNER, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. MOYNIHAN, Mrs. BOXER, Mr. ROBERTS, and Mr. REID):

S. 1268. A bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. HATCH):

S. 1269. A bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DOMENICI):

S. 1270. A bill to establish a partnership for education progress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 1271. A bill to improve the drug certification procedures under section 490 of the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

By Mr. NICKLES (for himself, Mr. LIEBERMAN, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. BROWNBACK, Mr. COVERDELL, Mr. ENZI, Mr. HAGEL, Mr. INHOFE, Mr. CRAIG, and Mr. SESSIONS):

S. 1272. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND:

S. Res. 126. A resolution expressing the sense of the Senate that appreciation be shown for the extraordinary work of Mildred Winter as Missouri teacher and leader in creating the Parents as Teachers program on the occasion that Mildred Winter steps down as Executive Director of such program; considered and agreed to.

By Mr. LOTT:

S. Res. 127. A resolution to direct the Secretary of the Senate to request the return of certain pages; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 1267. A bill to require that health care providers inform their patients of certain referral fees upon the referral of the patients to clinical trials; to the Committee on Health, Education, Labor, and Pensions.

### CLINICAL TRIALS DISCLOSURE ACT OF 1999

Mr. SCHUMER. Mr. President, I rise today to introduce the Clinical Trials Disclosure Act of 1999. As the Senate debates important health care issues such as Medicare, prescription drug access, and managed care reform, I want to call our attention to another impor-

tant health care matter: doctors and other health care providers accepting payments from drug companies and their contractors to refer patients to clinical trials. Each of us understands that by providing a forum for medical research, clinical trials play a vital role in our health care system. Unfortunately, some providers are violating the patient-doctor relationship by not informing patients of the fees they receive for referrals to the clinical trials.

Recent media reports have highlighted this growing trend that threatens the important relationship between doctor and patient. In one case in California, a doctor received over \$1,600 to refer a patient to a prostate cancer drug trial despite the fact that the patient's prostate was healthy. Other drug companies offer bonuses to physicians who refer numbers over and above a certain quota. Providers benefit in other ways, too. A cooperative doctor may get his or her name attached to an academic study authored by a ghost writer based on the drug company's data. No matter how the doctor benefits, however, he or she is not compelled to inform the patient of his or her relationship with the drug company. This is why today I introduce the Clinical Trials Disclosure Act of 1999.

This bill simply requires that if a health care provider receives payments or other compensation for referring a patient to a clinical trial, the provider must inform the patient both orally and in writing. The measure is not intended to discourage patient participation in important medical research. Instead, it will strengthen the relationship between doctor and patient and help ensure that clinical trials attract patients who will benefit from their important work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1267

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clinical Trials Disclosure Act of 1999".

#### SEC. 2. REQUIRED DISCLOSURE OF REFERRAL FEES.

(a) THROUGH CONTRACTS WITH INSURERS.—

(1) AMENDMENT TO ERISA.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

#### "SEC. 714. REQUIRED DISCLOSURE OF REFERRAL FEES.

"The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of providers) shall require that, if the

provider refers a patient to a clinical trial, the provider shall disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral."

(B) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Required disclosure of referral fees."

(2) AMENDMENTS TO PHSA.—

(A) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

#### "SEC. 2707. REQUIRED DISCLOSURE OF REFERRAL FEES.

"The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of providers) shall require that, if the provider refers a patient to a clinical trial, the provider shall disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral."

(B) INDIVIDUAL MARKET.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

#### "SEC. 2753. REQUIRED DISCLOSURE OF REFERRAL FEES.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market."

(b) OTHER PROVIDERS.—A health care provider who provides services to beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall, with respect to any patient that such provider refers to a clinical trial, disclose (orally and in writing) to the patient (at the time of such referral) any payments or other compensation that the provider receives (or expects to receive) from any entity in connection with such referral.

By Mr. HARKIN (for himself, Mr. FRIST, Mr. KENNEDY, Mr. CHAFEE, Mr. REED, Mr. MACK, Ms. MIKULSKI, Mrs. MURRAY, Mr. CLELAND, Mr. HELMS, Mr. WARNER, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. MOYNIHAN, Mrs. BOXER, Mr. ROBERTS, and Mr. REID):

S. 1268. A bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Health, Education, Labor, and Pensions.